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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,292	10/25/2001	Frederick M. Morgan	CKB-089.01	1752
25181	7590	03/28/2006	EXAMINER A, MINH D	
FOLEY HOAG, LLP PATENT GROUP, WORLD TRADE CENTER WEST 155 SEAPORT BLVD BOSTON, MA 02110			ART UNIT 2821	PAPER NUMBER

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

N.A

Office Action Summary

Application No.

10/040,292

Applicant(s)

MORGAN ET AL.

Examiner

Minh D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-36,38-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-15,17-19,34,39-41,61 and 62 is/are allowed.
- 6) ☒ Claim(s) 20,23-25,27-32,35,36 and 38 is/are rejected.
- 7) ☒ Claim(s) 33 and 42-60 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 20, 23-25, 27-32, 35 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Poggi (US 5,800,041) in view of Godlove (US 5,034,757).

Regarding claim 20, Poggi discloses at least one light source adapted to be supported by one of a pool and a spa to illuminate a liquid contained in the one of the pool and the spa. See figures 1-2, col.3, lines 40-67 to col.6, lines 1-60.

However, Poggi does not disclose the at least one light source including at least one LED, wherein the at least one light source is adapted to generate radiation of different colors without requiring the use of a color filter.

Godlove discloses the at least one light source including at least one LED, wherein the at least one light source is adapted to generate radiation of different colors without requiring the use of a color filter. See figures 2-3, col.2, lines 24-67 to col.3, lines 1-10.

It would have been an obvious to one of ordinary skill in the art at the time the invention was made to employ the at least one light source is adapted to generate radiation of different colors without requiring the use of a color filter such as that

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suggested by Godlove in the lamp's system of Poggi to provide a different colors and it would be also desirable to provide the lamp 'system for multi-colors in water.

Regarding claims 23-25 and 27-32, Poggi discloses at least one light source adapted to be supported by one of a pool and a spa to illuminate a liquid contained in the one of the pool and the spa. See figures 1-2, col.3, lines 40-67 to col.6, lines 1-60.

However, Poggi does not disclose the at least one LED includes at least two independently controllable LEDS.

Godlove discloses the at least one LED includes at least two independently controllable LEDS. See figures 2-3, col.2, lines 24-67 to col.3, lines 1-10.

It would have been an obvious to one of ordinary skill in the art at the time the invention was made to employ the at least one light source is adapted to generate radiation of different colors without requiring the use of a color filter such as that suggested by Godlove in the lamp's system of Poggi to provide a different colors and it would be also desirable to provide the lamp 'system for multi-colors in water.

Regarding claim 35, Poggi discloses at least one light source adapted to be supported by one of a pool and a spa to illuminate a liquid contained in the one of the pool and the spa. See figures 1-2, col.3, lines 40-67 to col.6, lines 1-60.

However, Poggi does not disclose at least one LED; and an interface coupled to the at least one LED, the interface being adapted to engage mechanically and electrically with a wedge type light socket supported by the one of the pool and the spa, wherein the at least one LED includes at least two differently colored LEDS.

Godlove discloses the at least one LED; and an interface coupled to the at least one LED, the interface being adapted to engage mechanically and electrically with a wedge type light socket supported by the one of the pool and the spa, wherein the at least one LED includes at least two differently colored LEDS. See figures 2-3, col.2, lines 24-67 to col.3, lines 1-10.

It would have been an obvious to one of ordinary skill in the art at the time the invention was made to employ the at least one light source is adapted to generate radiation of different colors without requiring the use of a color filter such as that suggested by Godlove in the lamp's system of Poggi to provide a different colors and it would be also desirable to provide the lamp 'system for multi-colors in water.

Regarding claims 36 and 38, Poggi discloses the claim of invention except the interface includes means for engaging mechanically and electrically the at least one LED with the wedge type light socket. See figures 1-2, col.3, lines 40-67 to col.5, lines 1-67.

Godlove discloses the interface includes means for engaging mechanically and electrically the at least one LED with the wedge type light socket. See figures 2-3, col.2, lines 24-67 to col.3, lines 1-10.

It would have been an obvious to one of ordinary skill in the art at the time the invention was made to employ the at least one light source is adapted to generate radiation of different colors without requiring the use of a color filter such as that suggested by Godlove in the lamp's system of Poggi to provide a different colors and it would be also desirable to provide the lamp 'system for multi-colors in water.

Allowable Subject Matter

3. Claims 33 and 42-60 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 12-15, 17-19, 34, 39-41, 61-62 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not teach that, an encapsulant to protect the at least one light source from moisture and the conventional light socket includes a wedge type light socket; and the interface is adapted to engage mechanically and electrically with the wedge type light socket recited in independent claims 12 and 17.

The prior art does not teach that, at least one controller coupled to the at least one light source to control radiation output by the at least one light source, wherein the at least one light source includes at least a first light source and a second light source each adapted to be supported by the one of the pool and the spa and to illuminate the liquid contained in the one of the pool and the spa in combination with all limitations recited in independent claims 12, 17-19, and 34.

The prior art does not teach that, at least one storage device couple to the at least one controller, to store at least one illumination program, wherein the at least one controller is adapted to execute the at least one illumination program in combination with all limitations recited in dependent claim 33.

The prior art does not teach that, the interface being adapted to engage mechanically and electrically with a wedge type light socket supported by the one of the pool and the spa, wherein the one of the pool and the spa has a range of typical liquid levels of the liquid during use, wherein the wedge type light socket is located below the range of typical liquid levels, and wherein the light fixture further includes: an encapsulant to protect the at least one LED from moisture in combination with all limitations recited in independent claim 39.

The prior art does not teach that, acts of engaging at least one light fixture mechanically and electrically with a wedge type light socket supported by the one of the pool and spa, the at least one light fixture including at least one LED; and b) providing at least power to the at least one light fixture via the wedge type light socket to illuminate the liquid in combination with all limitations recited in independent claims 61-62.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Silveri. (US RES 37,055) and Silveri. (US 5,221,444) are cited to show a light pool.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Minh A whose telephone number is (571-272-1819). The examiner can normally be reached on M-F (7:30 –4:30 PM).

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Don Wong, can be reached on (703) 308-4856. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and (703) 872-9319 for final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0956.



**WILSON LEE
PRIMARY EXAMINER**

Examiner

Minh A

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3/20/06